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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 920584-906019
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>December 19, 2005</u> Signature <u>Minnie Wilson</u> Typed or printed name <u>Minnie Wilson</u>		Application Number 09/747,698
		Filed 12/22/2000
		First Named Inventor Clive C. Hayball
		Art Unit 2157
		Examiner Sahera Halim

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

applicant/inventor.

assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

attorney or agent of record.
Registration number 26,935

attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

William M. Lee, Jr.

Typed or printed name

312-214-4800

Telephone number

December 19, 2005

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

*Total of 1 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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920584-906019

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE THE APPLICATION OF)
Clive C. Hayball) Examiner: Sahera Halim
SERIAL NO. 09/747,698) Group Art Unit No. 2157
FILED: December 22, 2000) Customer No. 23644
FOR: Network Proxy Apparatus and Method)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450," on December 19, 2005.
Name of person signing Minnie Wilson
Signature Minnie Wilson

SUCCINCT STATEMENT IN SUPPORT OF PRE-APPEAL BRIEF REQUEST FOR REVIEW

Honorable Director of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

As required under the Pilot Program initiated July 12, 2005, following is the Applicant's statement in support of the Appeal Brief Conference for this application:

Claims 1-6, 8 and 13 have been rejected by the Examiner under 35 U.S.C. §102(e) as being anticipated by Rochberger U.S. Patent No. 6,205,146.

The Prior Art

Rochberger is concerned with "a method of routing to a well known address" permitting "applications on the network to route to the destination in the shortest possible path" (Abstract). Any device which has a well known address for example,

“any entity in the network that provides distributed services (e.g. network server applications) that are to be shared among many nodes and applications on the network” (see Abstract) may send “an indication message containing a hop count on a periodic basis out on all Network to Network Interface ports in the node that implements the LECS”.

The message is specifically designed to indicate the cost involved with a route to the device having a well known address and the number of hops involved in the route enabling a node in a network to decide the best way to route messages through the network, see for example Column 5 lines 57 to 58 and 60 to 61.

Claim Rejections – 35 USC § 102

Claim 1

It can therefore be seen that Rochberger does not disclose the feature of “extracting content identity information” as recited in Claim 1.

Content is defined on Page 1 line 10 of the present application as being “HTML files or data files”. In Rochberger the purpose of the message is to allow a node to calculate the optimum route to a device having a well known address, for example an entity providing distributed services. Therefore, the messages which are examined by the nodes will not identify content i.e. an HTML or other data file but a well known address which relates to a device.

Rochberger also does not disclose the feature of extracting “associated destination location information” as recited in Claim 1. In the present application the destination information is the destination for the content which is identified within the message. In Rochberger the message is sent from the device having the well known address to nodes. Therefore, if location information is extracted from the message disclosed in Rochberger then it would be information relating to the location of the source of

the message as it is the source which hold the information which the devices would wish to locate. For example, in Column 5 lines 61 to 62 Rochberger discloses that the step of “registering the well known address and a received hop count associated therewith”. Thus, if such a message contains any location information it will only be source information rather than “destination location information”.

Furthermore, no destination information would be contained within the message as Rochberger discloses the step of “forwarding an indication message containing... [a] ...new hop count out on ports having a larger hop count registered therewith” (Column 5 line 67 to Column 6 Line 1).

Therefore, Rochberger does not describe data traffic flow containing destination information and, hence, does not describe extracting “associated destination location information from the data traffic flow” as claimed in Claim 1.

Further, Rochberger does not disclose “generating a mapping from a content item identified by the extracted identity information to at least one destination location identified by the associated destination location information” as recited in Claim 1.

As discussed above, Rochberger does not disclose a message which includes content identity or a destination location. Therefore, the skilled person on reading Rochberger would not learn to generate a mapping from a content item to a destination location. Therefore, Rochberger does not disclose “generating a mapping from a content item identified by the extracted identity information to at least one destination location identified by the associated destination location information”.

Finally, Rochberger also does not disclose or suggest “storing the mapping in a content index database which is operable to provide an instance mapping containing

a list of destination locations in response to an instance request containing a content identity" as recited in Claim 1.

As discussed above, Rochberger does not disclose a message which includes content identity or a destination location. Therefore, the skilled person on reading Rochberger would not learn to generate a mapping from a content item to a destination location. Furthermore, Rochberger states that "if there is more than one location with the well known address... or more than one route to the location then the optimum location will be the one routed to". Hence, it is clear that Rochberger is teaching the skilled person to allow a node select the optimum location according to the optimum route that has been indicated by the messages.

Furthermore, there would be no incentive for one skilled in the art to compile a "list of destination locations" on reading Rochberger. Rochberger states that "if there is more than one locations with the well known address... then the optimum location will be the one routed to" (Column 5 lines 2 to 5). Hence, as the node will have stored the optimum route to a well known address there will be no need for the node to refer to a list of locations at which the well known address is found when it wishes to access the well known address. This is because the node will already know which route is going to be used to access the well known address.

In contrast, the present invention, allows different nodes that are requesting content on the network to access a list of destination locations which contain a desired content (the list being accessed by the mapping). Hence, the present system allows more flexibility than that described in Rochberger.

Advantages of the Present Invention

The present invention, as claimed in Claim 1, provides clear advantages over the system described in Rochberger.

Firstly, the present invention does not require each node in the network to maintain a list of locations at which a content item is stored, reducing the amount of memory and power required by each node.

Secondly, in contrast to Rochberger which requires an initiation message to be sent by every server hosting an application, the present invention allows the list of locations at which a content item is stored to be built up using data messages which would be transmitted across the network in the normal transfer of data, either to request content information or sending content information in response to a request. This allows a list to be built up effectively without saturating the network with a large number of messages as would be required for all the nodes in the network to be able to know all the alternative device locations within the network, as would occur when using the system required in Rochberger. Hence, the system as described in Rochberger is not scalable, unlike the system of the present invention.

The Remaining Claims

Claims 8 and 13 recite the features “extracting content identity information”, extracting “associated destination location information”, “generating a mapping from a content item identified by the extracted identity information to at least one destination location identified by the associated destination location information” and “storing the mapping in a content index database which is operable to provide an instance mapping containing a list of destination locations in response to an instance request containing a content identity”. Therefore, for the same reasons as given above it is submitted that Claims 8 and 13 are not anticipated by Rochberger.

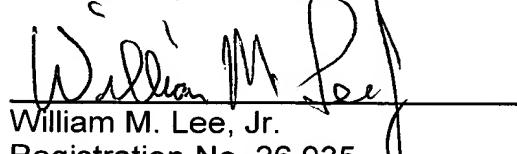
Claims 2 to 6 are not anticipated by Rochberger at least by virtue of their dependencies.

It is therefore submitted that the Examiner’s rejection of the claims of this application as being anticipated by Rochberger is untenable as has been previously argued by

the Applicant, and were this application to proceed to the Board of Appeals and Interferences, the Examiner would clearly be reversed. The results of this review are therefore awaited.

December 19, 2005

Respectfully submitted,



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